

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

CALVIN BURKE, on be-
half of himself and others
Similarly Situated
Plaintiff

Case no. _____

v

Jury Demand

ST. LOUIS COUNTY JAIL,
DR SAM PAGE, SCOTT
ANDERS, SGT THOMP-
SON, MAJOR KRAMER,
MAJOR MCKNIGHT,
MEDICAL DIR. MTS
AIIEN, UNKNOWN FOOD
SUPERVISOR, UNKNOWN
NURSE(S)

defendants.

42 U.S.C § 1983

Plaintiff brings this Cause of action
pursuant to 42 U.S.C § 1983 against

State official who committed divers Constitutional violations while acting under color of state law which has harmed plaintiffs past, present and future health without Due Process of law through constant illumination exposure thus depriving class members of vital sleep, protection from infectious disease mainly Covid 19 among ^{other} ~~teg~~ gregious unconstitutional customs and policies.

JURISDICTION

28 U.S.C 1331

LITIGATION

Plaintiff bring this suit under imminent danger

PARTIES

1. Calvin Burke all times relevant to this suit was housed at St. Louis COUNTY JAIL

(27)

IN Clayton Missouri against his will in unconstitutional conditions. He is an United States Citizen and plaintiff in this matter

2. Defendant Sam Page all times relevant to this suit was the County Board President and the final policy maker over the St. Louis County Jail.

3. Defendant Scott Anders all time relevant to this suit was the director of St. Louis County jail during which time he made and enforced unconstitutional practices and policies.

4 Defendant Major McKnight all times relevant to this suit used his badge and authority as Major and grievance liaison to deny redress of grievance, meaningful access to the courts among other things

5 Defendant Medical director MRS Allen all times relevant to this suit used her position to inflict unnecessary pain on plaintiff through inadequate medical/dental treatment

6. Defendant Sgt. Thompson all times relevant
(3)

to this used his authority and badge to violate due process of law.

7. Defendant C/o Smith all times relevant to this suit used his authority and badge to deny plaintiff adequate medical treatment

8. Defendant Jane Doe (Nurse) all times relevant to this suit used her authority to deny plaintiff adequate medical attention.

9. Defendant UNKNOWN food supervisor all times relevant to this suit used her authority to deny plaintiff nutritional meals

10. All of the defendants are being sued in their official and individual capacity. And because the law was clearly established before he/she acted or failed to act they are not entitled to qualified immunity. They all can be served at 100 S. Central ave, Clayton, MO 63105

FACTS

11. ON January 2, 2022 plaintiff was booked

(4)

INTO St. Louis County Jail (hereafter STL CJ).

12. Since being booked into STL CJ plaintiff has been exposed to constant illumination 24 hours a day 7 days a week.

13. The constant illumination has caused plaintiff to be deprived of sleep on an on-going basis

14. Plaintiff has documented his sleep time lasting on average 2 1/2 hours per night.

15. Plaintiff have tried multiple unsuccessful remedies including wrapping a towel over his eyes, meditation and exercise accomplishing Nothing.

16. Other detainees similarly situated recommended he sleep on the floor under his bunk except when a certain Sgt. is working because she will write you up for attempt escape or interfering with count procedures.

17. When plaintiff slept on the floor under his bunk to block the light he slept for 7 hours.

(5)

18. There is no legitimate penological justification for requiring plaintiff to suffer physical or psychological harm by living in constant illumination.

19. Each cell has an emergency button which is monitored 24 hours a day by a trained and qualified Correctional employee.

20. The light cannot be justified as a safety and security concern when it destroys the health of plaintiff and those similarly situated

21. Plaintiff currently ^{is experiencing} Circadian disruption, sleep disruption and melatonin suppression which are harmful to human health.

22. Some visible signs of plaintiff lack of sleep include but not limited to: depression, anxiety, lack of memory / memory loss, overeating, impulsiveness, anger episodes and other behavior moods

Sleep Deprivation on Central Nervous System

23. Sleep is necessary to keep Central Nervous (6)

System hereafter (CNS) function-
ing properly

24. Chronic Sleep deprivation can dis-
rupt how your body sends and process
information

25. During Sleep, pathways form between
Nerve cells in your brain that help you re-
member New information

26. Sleep deprivation leaves your brain
exhausted so it cannot perform its
duties properly

27. Sleep deprivation from Constant
illumination at SLCJ has caused
plaintiff to develop poor concentration
and comprehension

28. Too, lack of sleep has caused poor
and impulsive decision making in court
proceeding in his current cases.

(7)

DIGESTIVE SYSTEM (DS)

29. Plaintiff has become unmotivated to exercise, feeling sluggish from overeating and lack of sleep which if continues he see himself developing Chronic illness such as high blood pressure or diabetes all risk factors for African Americans who are roughly 75% of the jail population

30. Sleep effect the levels of two hormones

(8)

Leptin and ghrelin, which control feelings of hunger and fullness.

31. Leptin tells your brain that you have had enough to eat.

32. When deprived of sleep, the brain reduces leptin and raises ghrelin, which is an appetite stimulant.

33. Plaintiff has increased sugar, sodium and fat intake since being admitted into STL CJ because his sleep deprivation caused by constant illumination resulted in him eating all times of the night and day.

34. Plaintiff has felt too tired to exercise because of his lack of sleep.

35. Sleep deprivation causes the body to release less insulin after you eat.

36. Insulin helps to reduce blood sugar levels.

37. Plaintiff being African-American makes him a prime candidate for diabetes and hypertension because of the aforementioned risk factors.

(8) (9)

The Immune System (IS)

38. Sleep deprivation prevents your (IS) from building up its infection fighting substances like antibodies and cytokines.

39. Certain Cytokines also help you to sleep, giving your (IS) more efficiency to defend your body against illness.

40. With plaintiff being unvaccinated sleep deprivation places him in a high category of being infected with covid 19.

CARDIOVASCULAR System (CS)

41. Every major system, tissue, and organ of plaintiff body suffers when sleep becomes deprive

42. When plaintiff sent Health Care a sick call request regarding possible increase in blood pressure from lack of sleep defendant Allen responded with (EX#1)

43. Defendant Allen know sleep deprivation de-

(10) 10

grades cardiovascular health in numerous ways especially the sympathetic nervous system

44. A sleep deprived heart beats faster, the volumetric rate of blood pumped through your vasculature increases, and which triggers high blood pressure

45. Not only that, at the same time a chronic increase in a stress hormone / cortisol which is triggered by an overactive sympathetic nervous system

46. One bad result of sustained deluge of cortisol is the constriction of blood vessels, further increasing blood pressure.

47. As stated previously diabetes and weight gain is associated with sleep deprivation

48. It is enough medical evidence and legal caselaw to put defendants Page, Anders and Allen on notice about the harm of sleep deprivation and constant illumination to plaintiff and those similarly situated.

(10)

COVID 19 FAILURES

49. Defendant Page, Anders and Allen have implemented a wholly inadequate covid testing policy with the foreseeable results that Covid 19 would spread throughout the jail

50. Plaintiff and other newly arrived detainees were placed in general population despite defendants promulgated regulations (EX #2) ~~untested~~

51. Plaintiff was placed on 7D Cell #11 without being tested for Covid 19.

52. The day before plaintiff was placed in Cell #11 one of the two occupants was removed with possible Covid 19.

53. The detainee who plaintiff was housed with never was tested despite possibly been exposed to Covid 19.

54. Plaintiff was not tested for Covid 19 until he filed a grievance (EX #3)

(12)

55. Health care can best ^{be} described as a "hot mess."

Poor DENTAL TREATMENT

56. In or about late January 2022 plaintiff developed a dental infection which was treated with antibiotics and tylenol

57. After the antibiotics expired plaintiff infection returned

58. Plaintiff was left in excruciating pain for weeks.

59. ~~Afterwards~~ Plaintiff was prescribed tylenol and a mouth wash for about a week despite gum swelling/visible infection

60. That path of treatment described in paragraph 59 was tantamount to snake oil treatment.

61. The mouthwash relieved pain temporarily.

62. The mouthwash was given to plaintiff in (13)

the morning and at night.

63. In the morning plaintiff would spit the mouthwash into a cup and reuse it to relieve pain until the next time at night.

64. This process described in paragraph 63 was repeated through the night to relieve pain until the morning.

65. Plaintiff was given more antibiotics which halted the infection.

66. The infection returned and plaintiff was given tylenol and mouthwash again, thus repeating the process aforementioned in paragraphs 63-64.

67. Healthcare has now run out of mouthwash and left plaintiff in pain which he is scheduled to see the dentist within 5-7 months.

Poor Nutrition

68. Since plaintiff's incarceration at SLCJ he has been on a Kosher diet

(14)

69. Defendant UNKNOWN food supervisor
Knownly served plaintiff food products with
pork ingredients

70. Defendant food sup't Knownly serves plain-
tiff 3 daily meals which fall below the daily
Caloric intake

71. Defendant food supv. Violated plaintiff re-
ligious right by serving him pork products
despite Kosher diet ~~keep~~ for religious purpose.

72. Defendants Page and Anders are ultimately
responsible for the protection of plaintiff
religious rights and his nutritional health..

73. Most foods served to plaintiff were not
Kosher certified or fit for human consumption.

LIVING CONDITIONS THAT SHOCK THE CONSCIENCE

74. UPON arrival at SLCJ housing UNIT
8th fl. plaintiff was assinged a cell
that can best be described as inhumane.

75. The cells had trash strewn across the

(15)

floor, the; sink, toilet, and bunks was covered in filth, Not only that, the cells were used to quarantine newly arrived detainees for Covid 19 Screening

76. Quite obviously the cell plaintiff and other detainee were placed in was neither clean or sterilized against Covid 19 or any thing else for that matter said.

77. The jail has a custom and policy of housing Newly arrived detainees in these filthy conditions as described above.

HEALTH AND SAFETY VIOLATIONS

78. Defendant Page and Anders have created health and safety violations which rise to the level of deliberate indifference by and through overcrowded conditions

79. For example Page and Anders have a custom of turning a single cell into a double occupant cell by requiring a prisoner to sleep on the floor in what is called a "boat."

(16)

80. The "boat" takes up all the walking or pacing space in the cell and obstructs the path to both the door and toilet.

81. It causes, "the boat" a tripping, falling and fire hazard by blocking the door.

82. Not only that, "the boat", impedes access to the emergency call button

83. The "boat" is also used as a tool/device to punish prisoners by assigning them or moving them on the floor

84. Too, "the boat", is a hotbed of violence among cellmates because of lack of movement within the cramped conditions of the cell.

DO IT YOURSELF DISCIPLINARY PROCEDURE

85. ON 2/07/2022 Sgt. Thompson wrote plaintiff a disciplinary report (EX 4)

(157)

86. Plaintiff never received a hearing on the disciplinary report.

87. Plaintiff was denied any and all opportunities to dispute the disciplinary report or appeal the "findings."

88. Defendant Thompson Wrote the report, heard the report and decided the punishment with one stroke of the pen and served the report on plaintiff

89. This custom and policy of disciplinary process without a hearing is the edict of Page and Anders

THE BROKEN GRIEVANCE SYSTEM and THOSE WHO BROKE IT

90. The grievance process is under the misguidance of two of the most Seasoned Civil rights Violators ever assembled on one floor, particularly the 7th Major Kramer and Major McKnight.

91. Both routinely violate jail policy of
(18)

that all grievance are to be responded to within 7 days.

92. Plaintiff has filed multiple grievances in which both defendants love to claim either the grievance is still being investigated, misplaced or simply fail to return.

93. Their offices, McKnight/Kramer can best be described as the Roach motel of grievances - grievances go in but grievances - never come out.

94. Defendant McKnight gave defendant Allen of healthcare two grievances which only one was ever returned after plaintiff filed another grievance request the two grievance be processed and return

95. Defendant Kramer conducted this inquiry which resulted in one of the two grievances being returned to plaintiff from Allen.

96. What was not returned by Kramer was the grievance plaintiff filed to have him

(19)

investigate McKnight and Allen nefarious conduct in the first place.

97. The destroyed grievance by McKnight and Allen was regarding an UNKNOWN Nurse kicking plaintiff medication under his cell door which cause it to spill on the floor.

98. When defendant Kramer returned the one grievance retrieved from Allen plaintiff asked where is the grievance that initiated the investigation, Kramer stated "he returned it to plaintiff already - (impossible) - and plaintiff must have lost it."

99. Plaintiff filed a grievance on Kramer regarding this grievance not being returned this grievance was returned with the investigating officer being Kramer himself.

100. Defendants Page and Anders are responsible for this tag team of McKnight and Kramer custom and policy of denying redress of grievances to plaintiff and those similarly situated.

(20)

MEANINGFUL ACCESS TO THE COURTS

101. Defendants Page and Anders are denying prisoners access to the courts by failing to update lawbooks, law library or persons) trained in the law to aid in detainee filings.

102. Defendants refuse to mail detainee legal documents to state or federal courts by supplying postage or envelopes

103. Defendants access to the courts consist of a typewriter with no typing paper

104. Defendants NON-existing law library and bogus grievance procedure prevent detainees from challenging their condition of confinement or assisting in their criminal defense.

COUNT I
42 U.S.C 1983

105. Plaintiff reiterates paragraph 1-104

(24)

as if fully stated herein

106. The plaintiff and all current and future detainees housed at SLCJ, men and women, will suffer and are suffering serious health risk from the twenty-four a day constant illumination by the Named defendants which is causing sleep deprivation. The sleep loss is inflicting such devastating effects on the brain, linked to numerous neurological and psychiatric conditions (e.g. Alzheimer's disease, anxiety, depression, bipolar disorder, suicide, stroke, and chronic pain) too on every physiological system of the body, further contributing to countless disorders and disease (e.g. cancer, diabetes, heart attacks, infertility, weight gain, obesity, and immune deficiency).

No facet of the human body is spared the crippling, noxious harm of sleep loss: socially, organizationally, economically, physically, behaviorally, nutritionally, linguistically, cognitively, and emo-

(22)

tionally dependent upon sleep. Some of the violence at SLCJ is the fault of the defendants sense insufficient sleep has been linked to aggression, bullying and violence in adult prison populations; and because sleep deprivation has been used as a tool of torture to extract information, it is without a doubt sleep deprivation on cruise control leads to many false confessions and pka deals to escape the torture of constant illumination at SLCJ, aiding the conviction rates at St. Louis County Courts

107. There is NO penological justification to expose plaintiff and those similarly situated to: Constant illumination, Covid 19, UNSANITARY CONDITIONS, Sleeping ON floors and poor NUTRITION among other nefarious behavior

(23)

108. Defendants actions violates both the 5th and 14th Amendment of the United States Constitution Due process and equal protection of the laws as more fully described in the above paragraphs.

COUNT II
Deliberate Indifference to
Safety and Health
COVID19

109. Plaintiff reiterates paragraphs 1-108 as if fully stated herein

110. Defendant Allen was deliberately indifferent to plaintiff and other detainees health and well being when she willfully, knowingly and wantonly cleared other detainees and plaintiff for general population despite the protocol set out in writing by the jail to test all detainees before integrating them into general population.

111. Defendant Anders too was deliberately indifferent for he was ultimately charged with the duties of assigning a staff member

(24)

to handle detainee housing before, during and after the Covid pandemic at SLCJ.

112. Defendant Major MCKnight and Sgt. Thompson Who Were incharge of Cell assignment Knew or should have Known plaintiff was being housed in a cell with a detainee who cellmate had tested positive for Covid 19 just the day before he moved in.

113. IN or about January 15, 2022 ON information and belief roughly 110 detainees Many of them still in general population tested positive for Covid and freely allowed to roam in general population with the foreseeable result plaintiff and others could be exposed to the highly contagious Covid 19.

114 Defendant Allen was deliberate indifferent when she KNEW or should have KNOWN detainees Who tested positive for Covid 19, but, Nevertheless remained in population Without recommending infective detainees be taking to ~~the 4th~~ ^{4th} floor or be quarantined in their respected housing cells with the foreseeable

result of widespread infections among detainees as well as staff.

115. All of the defendants were reckless in their formulation and execution of policies and practices to protect detainees from Covid 19, from testing, mask enforcement to quarantining infected detainees.

COUNT III
Deliberate Indifference

116

116. Plaintiff reiterates paragraph 1-115 as if fully stated herein.

117. Defendants are housing, men and women on floors, which create dangerous circumstances such as tripping and firehazzards among other problems

118 Plaintiff was being housed on the floor on 7D cell #11 when his cellmate attempted exit the cell for recreation and tripped and fell on plaintiff.

(26)

119. The cells which detainees are sleeping on the floor in the so-called boats are designed for one person

120. The so-called boat blocks either the door or toilet or both

121. This cell overcrowding leads to arguments and fights. Plaintiff repeatedly argued with his cellmate before moving to a single cell.

122. With the constant illumination, Cramp space defendants know this arrangement is dangerous, for detainees and staff who have to break up fights or stop arguments.

1 COUNT IV
UNSANITARY LIVING CONDITIONS

123. Plaintiff reiterates paragraph 1-122 as if fully stated herein

124. The cell plaintiff and cellmate moved into sinks and toilets were filthy, a thirsty dog would not drink out of that toilet
(27)

AND the SINK, the ONLY thing missing was the sign that said Colored ONLY. ~~only~~ only

125. The trash can was filled to capacity, the floor was just nasty, wrappers, hair, toenails and smelled of urine

126 Plaintiff was housed under those conditions for two weeks with no out of cell exercise.

127. The bunk and mattress equally was nasty

128. Cleaning supplies were never brought around

COUNT IX
GRIEVANCE / ACCESS TO COURTS

129. Plaintiff reiterates paragraphs 1-129 as if fully stated herein

(28)

130. Defendants Gill Knight and Kramer used their authority as grievance liaisons to deem the grievance process of NO use to prisoners through their mischief as described in the above paragraphs.

COUNT VI
PREDETERMINED DISCIPLINARY
REPORT

131. Plaintiff reiterates paragraphs 1-130 as if fully stated herein.

132. Defendants Page and Anders have in place a disciplinary process that is ripe for abuse by allowing Correctional staff members to write a report, hear it themselves, punish before the report is even served on the prisoner, and deem the process ungrievable

133. Defendants disciplinary process
(29)

Violates established due process procedure.

134. This judge, jury and executioner style hearing is regularly used by staff for setting personal issues against prisoners

135 COUNT VII
8th and 14th AMEND.
VIOLATIONS

135. Plaintiff reiterates paragraphs 1-134 as if fully stated herein.

136 Defendants know the conditions of confinement outlined in this complaint violates the 8th and 14th Amendment and their defense is untenable and a waste of taxpayers dollars.

COUNT VIII
Custom and Policy

137

(30)

137. Plaintiff reiterates paragraph 1-136 as if fully stated herein

138. Defendants have multiple custom and policies in place and in use to destroy prisoners health in violation of the 8th and 14th Amendments

Such as constant illumination, Covid-19 exposure, sleeping on floors, poor diets and other abuses yet to be discovered that are harming prisoners.

WHEREFORE, plaintiff and those similar situated pray this Honorable COURT award them compensatory damages in excess of 22.5 million dollars and because their action shock the conscience and served no penological interest punitive damages in excess of 22.5 million dollars should be award to deter their actions by future officials

Calvin Burke
Calw Burke

March 21, 2022

(31)